

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

GENOA NATIONAL BANK,	)	
	)	
Plaintiff,	)	8:10CV438
	)	
vs.	)	ORDER
	)	
RONALD V. ODETTE and	)	
RONALD V. ODETTE FAMILY	)	
LIMITED PARTNERSHIP,	)	
	)	
Defendants.	)	

This matter is before the court on the plaintiff's Motion to Extend Deposition Deadline ([Filing No. 58](#)). The plaintiff filed a brief ([Filing No. 60](#)) and an index of evidence ([Filing No. 59](#)) in support of the motion. The plaintiff seeks an extension of time, out of time, to conduct a deposition of the defendant Ronald V. Odette. The plaintiff requests leave for "no less than thirty (30) days" to take a telephonic deposition of Mr. Odette in order to respond to the court's December 1, 2011, order ([Filing No. 57](#)) requiring the plaintiff to show cause, within thirty days, why this case should not be dismissed for lack of jurisdiction. Specifically, the plaintiff contends the deposition is necessary to determine Mr. Odette's citizenship for diversity jurisdiction purposes. Additionally, the plaintiff argues a telephonic deposition would minimize the costs and expenses associated with conducting the deposition of Mr. Odette, who resides out of state.

The court finds good cause exists to grant, in part, the relief sought. Under the circumstances, the undersigned magistrate judge may not extend the deadline previously imposed by the Honorable Joseph F. Bataillon's December 1, 2011, order. Accordingly, the deposition deadline need not be extended beyond the deadline set for the plaintiff to show cause. A telephonic deposition is reasonable under the circumstances. Therefore, the plaintiff's motion is granted, in part as set forth below.

**IT IS ORDERED:**

1. The plaintiff's Motion to Extend Deposition Deadline ([Filing No. 58](#)) is granted as set forth herein. The parties shall have an extension of time until **December 30, 2011**, to conduct discovery. The plaintiff may depose the defendant Ronald V. Odette by telephone in accordance with the requirements imposed by the Federal Rules of Civil Procedure.

2. The Clerk of Court shall mail a copy of this order to the defendants at their last known addresses found in the record.

DATED this 5th day of December, 2011.

BY THE COURT:

s/ Thomas D. Thalken  
United States Magistrate Judge